

From: Charles Meloy
Sent: Friday, February 03, 2006 10:23:51 AM EST
To: <IEED@bia.edu>
Subject: FW: Energy Policy Act of 2005

Subject: RE: Energy Policy Act of 2005

This is a huge issue for tribes with large land bases. Its impact on land use, as well as revenue, could be very serious. Allowing the federal government to grant easements on tribal lands without tribal consent is not only a taking, it can effectively transfer the beneficial use of the land from tribes to non-Indians without their consent. It may be beneficial for the country to run a gas line through a particular tribal land holding, but it can render the property inappropriate for the tribe's intended purpose. Can you imagine how hard it would be to build a casino, hotel, truck stop property if the feds had granted a major gas-line/electrical easement down the middle of the property along I-40 (I know we have an existing gas-line on the north edge of the property). This legislation could shift major land masses from tribal control on the basis of "what is going for the country" rather than "what is good for the tribe).

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If it can be imagined, it can be achieved. Walt Disney

-----Original Message-----

From: Charles Meloy Sent: Friday, January 13, 2006 10:25 AM
To: Gregory M. Quinlan; Rocky Barrett; Linda Capps
Subject: FW: Energy Policy Act of 2005

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-----Original Message-----

From: No Reply [mailto:landofficeinfo@indianlandtenure.org] Sent: Friday, January 13, 2006 10:18 AM
To: Charles P. Meloy
Subject: Energy Policy Act of 2005

January 10, 2006

Contact: Terry Janis, tjanis@indianlandtenure.org

There are several provisions of the new Energy Policy Act of 2005 (Public Law 109-58) that will have significant impact on tribal lands and communities and potentially on tribal sovereignty interests. Each of the sections of this Act has specific deadlines for comment and input that will soon pass. Tribes are encouraged to participate in consultations, work with your congressional representatives, and provide comments and other input on the activities that will impact your lands or population.

Title XVIII, Section 1813 - Indian Land Right of Way Study will consider the implications of tribal self-determination and sovereignty implicated by the applications for rights-of-way on tribal land and an analysis of relevant national energy transportation policies. Tribes have been asked to submit comments on how the study should be done by January 20, 2006, to a work plan for the study. Point of Contact : Tribes may submit comments to IEED@bia.edu. Questions can be directed to Darryl Francois, Office of Indian Energy and Economic Development, (202) 219-0740 or darryl.francois@mms.gov.

Title V, Section 2604 - Tribal Energy Resource Agreements (TERA) authorizes tribes to negotiate with the Secretary of the Interior for authority to bypass Bureau of Indian Affairs approval to enter leases, right-of-ways, and other business agreements for energy development on tribal lands. Regulations are being developed at a series of public meetings beginning on January 9, 2006 and ending January 19, 2006. Points of Contact: Tribes may submit written comments to IEED@bia.edu. Questions can be directed to Darryl Francois, Office of Indian Energy and Economic Development, (202) 219-0740 or darryl.francois@mms.gov.

Title II, Section 241 - New Hydropower Rules Regarding Environmental and Economic Values Establishes a 90 day "trial-type" hearing on disputed factual issues regarding protection and utilizations of reservations and establishment of fishways in hydroelectric licensing processes. Interim Final Rules were published but the Departments are "requesting comments on ways the rules can be improved". Comments are due January 17, 2006. Points of Contact: Email comments to DOIHydro_Comments@ios.doi.gov, or NMFS.Hydro@noaa.gov. For further information, contact Greg Smith, Director of Lands, Forest Service, 202-205-1769; or Larry Finfer, Office of Policy Analysis, Department of Interior, 202-208-5978; or Melanie Harris, Office of Habitat Conservation, National Marine Fisheries Service, 301-713-4300.

Title III, Section 368 - Energy Corridor Designation on Federal Lands requires designation of corridors on federal lands in 11 western states for pipelines and electrical transmission and distribution lines and to carry out environmental reviews for such corridors in two years. Hearings and comment period closed on November 28, 2005. The Forest Service and the BLM sent consultation letters to tribal leaders asking for input on Section 368. Any tribe can still ask for formal or informal consultation. Points of Contact: Julia Souder, Department of Energy at 202-586-5461, julia.souder@hq.doe.gov; Scott Powers, Bureau of Land Management, (406) 896-5319, Scott_Powers@blm.gov; or Bob Cunningham, Forest Service, (202) 205-2494, rcunningham@fs.fed.us.

A cooperative group of intertribal organizations, informally called the

"Intertribal Energy Network", many of whom worked effectively together in support of the Indian provisions in the law, will create a strategy and go as a group to Washington, DC in early Spring 2006 to raise awareness among their congressional delegations of the need to fund the Indian programs in the Act. Any tribe or intertribal organization who would like to be part of this effort may contact Margie Schaff, Energy Policy Analyst for the Affiliated Tribes of Northwest Indians, at (303) 443-0182, or the Indian Land Tenure Foundation. The Indian Land Tenure Foundation will follow with a more detailed analysis of these important provisions. Please look for this in the next few weeks.

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